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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:

KIMO TILE @ MARBLE, LLC d/b/a KIMO TILE,
LLC,

Debtor.

KIMO TILE @ MARBLE, LLC d/b/a KIMO TILE,
LLC,

Plaintiff,

v.

TILE SETTERS AND TILE FINISHERS UNION OF
NEW YORK AND NEW JERSEY, LOCAL NO. 7 OF
THE INTERNATIONAL UNION OF
BRICKLAYERS AND ALLIED CRAFTWORKERS;
TRUSTEES OF THE LOCAL 7 TILE INDUSTRY
WELFARE FUND; TRUSTEES OF THE LOCAL 7
TILE INDUSTRY ANNUITY FUND; TRUSTEES
OF THE TILE LAYERS LOCAL UNION 52
PENSION FUND; TRUSTEES OF THE LOCAL 7
TILE INDUSTRY RETIREE WELFARE FUND;
TRUSTEES OF THE LOCAL 7 TILE INDUSTRY
VACATION FUND; TRUSTEES OF THE LOCAL 7
TILE INDUSTRY SUPPLEMENTAL FUND;
TRUSTEES OF THE LOCAL 7 TILE INDUSTRY
PROMOTIONAL FUND; TRUSTEES OF THE
LOCAL 7 TILE INDUSTRY TRAINING FUND;
TRUSTEES OF THE LOCAL 7 TILE INDUSTRY
BUILDING FUND; TRUSTEES OF THE LOCAL 7
TILE

Chapter 11

Case No. 24-20009-JNP

ADVERSARY NO.
24-01602-JNP

INDUSTRY DEFENSE FUND; TRUSTEES OF THE LOCAL 7 TILE INDUSTRY LOCAL POLITICAL ACTION COMMITTEE; TRUSTEES OF THE BRICKLAYERS & TROWEL TRADES INTERNATIONAL PENSION FUND; THE INTERNATIONAL MASONRY INSTITUTE; AND THE TRUSTEES OF THE BRICKLAYERS AND ALLIED CRAFTWORKERS POLITICAL ACTION COMMITTEE,

Defendants.

NOTICE OF MOTION TO DISMISS ADVERSARY COMPLAINT

PLEASE TAKE NOTICE that, upon the Defendants Local 7 Tile Industry Benefit Funds' Memorandum of Law in Support of its Motion to Dismiss, the Declaration of Kenneth Cook, with Exhibits in Support, and the Declaration of Maura Moosnick, Esq. with Exhibits in Support, and all prior papers and proceedings herein, Defendant Union will move this Court, before the Honorable Jerrold N. Poslusny, at the United States Bankruptcy Court for the District of New Jersey, 400 Cooper Street, Camden, New Jersey 08101, on January 7, 2025, for an Order Dismissing Plaintiff's Verified Complaint for Lack of Subject Matter Jurisdiction and for Failure to State a Claim on Which Relief can be Granted, and for other such relief as the Court may deem just and proper.

Please take further notice that pursuant to D.N.J. LBR 9013-2: Any opposition to a motion must be filed and served not later than 7 days before the hearing date. Any must be filed and served not later than 4 days before the hearing date.

Dated: New York, New York
December 4, 2024

Respectfully submitted,

VIRGINIA & AMBINDER, LLP
Counsel for the Benefit Fund Defendants

By: /s/ Maura Moosnick
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